

The Customs Transit Procedure (including TIR)

and

the Status of Goods

General information on those aspects of the Customs Transit Procedure and on the Status of Goods for Customs purposes which are likely to be of practical concern to Irish exporters, importers, carriers, customs clearance agents and others involved in international trade.

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Further information is available from:-

**Office of the Revenue Commissioners,
Transit Unit,
Government Offices,
St. Conlons Road,
Nenagh,
Co. Tipperary**

Tel. 067 – 63218

Fax. 067 – 44126

e-mail: transit@revenue.ie

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SECTION 1 – INTRODUCTION

1. Purpose of this Guide

The purpose of this guide is to provide general information on those aspects of the Customs Transit Procedure (“Transit”) and the status of goods in the European Community (the “Community”) which are likely to be of practical concern to Irish exporters, importers, carriers and customs clearance agents involved in international trade. The Guide is intended for general information purposes only and Transit users should consult the relevant legislation – see paragraph 4 below.

2. What is Transit

Transit is a facility available to operators that allows the movement of goods across international borders under customs control while ensuring that any charges due on those goods in their country of destination are secured. There are various types of Transit depending on the circumstances and the countries through which the goods are passing.

3. Types of Transit

There are three types of Transit:

- (1) **Community Transit:** allows for the movement of goods within the customs territory of the Community; - see Section 3
- (2) **Common Transit:** allows for the movement of goods:
 - between the Community, the EFTA Countries (i.e. Iceland, Norway, Switzerland and Liechtenstein) and
 - between the EFTA Countries themselves;

The combined territories of the Community, and the EFTA Countries are known as the Common Transit Area – see Section 4, and

- (3) **TIR: (Transport Internationaux Routiers)** allows for the movement of goods internationally over one or more frontiers and where some portion of the journey between the start and end of the TIR operation is conducted by road – see Section 12 for more details.

4. Legislation applying to Transit

The principal legislation governing Community Transit and Status is contained in:

- (1) Council Regulation (EEC) No. 2913/92 (OJ L302 of 19/10/92)
http://europa.eu.int/eur-lex/en/consleg/pdf/1992/en_1992R2913_do_001.pdf :and
- (2) Commission Regulation (EEC) No. 2454/93 (OJ L 253 of 11/10/93)
http://europa.eu.int/eur-lex/en/consleg/pdf/1993/en_1993R2454_do_001.pdf .

The legislation governing Common Transit is contained in the Convention between the European Economic Community and the EFTA Countries on a Common Transit Procedure (OJ No. L226 of 13/8/87) [http://europa.eu.int/eur-lex/lex/LexUriServ/LexUriServ.do?uri=CELEX:21987A0813\(01\):EN:HTML](http://europa.eu.int/eur-lex/lex/LexUriServ/LexUriServ.do?uri=CELEX:21987A0813(01):EN:HTML)

The principal legislation governing TIR is the TIR Convention 1975.

http://www.unece.org/trans/bcf/tir/handbook/english/newtirhand/TIR-6Rev1EN_Convention.pdf

SECTION 2 – DEFINITIONS

5. Definitions

“Community goods” are goods which, unless an export refund under the Common Agricultural Policy (CAP) or other refund has been claimed on them:

- originate in the Community; or
- have been imported from a non-Community country and have been put into free circulation (see below) in the Community; or
- have been manufactured in the Community from materials or parts imported from a non-Community country provided the imported materials or parts are in free circulation.

“non-Community goods” are goods from outside the Community on which no duty has been paid and no import formalities have been complied with; and

“free circulation” is a term used to describe imported goods on which all import formalities have been complied with and any customs duties or other charges have been paid and not repaid in whole or in part

SECTION 3 - COMMUNITY TRANSIT

6. What is Community Transit

Community Transit is a system which provides for the movement, under Customs control, of goods that are not in free circulation through the Community and also for the movement of free circulation goods in certain circumstances. It comprises two separate procedures:

- (1) the External Community Transit Procedure (T1); and
- (2) the Internal Community Transit Procedure (T2).

7. Purpose of the External Community Transit Procedure (T1)

The purpose of the External Community Transit Procedure (T1) is to facilitate the movement of non-Community goods within the Community under Customs control while ensuring that any charges payable are secured. The import charges on such goods are collected at the Customs office of destination in the Member State specified and not at the external frontier.

Specifically, the External Community Transit Procedure (T1) applies to the movement of:

- (1) Non-Community Goods on which import duties have not been paid; and
- (2) Community goods which:
 - are moving through the Community in the course of export to an EFTA country
 - or**
 - transit the territory of an EFTA Country in the course of export; **and**
 - have undergone customs export formalities with a view to the granting of export refunds on export to third countries under the CAP; **or**
 - are from intervention stocks, are subject to control as to use and/or destination and have undergone customs export formalities on export to third countries under the CAP; **or**
 - are eligible for the repayment or remission of import duties on condition that they are exported from the Customs territory of the Community; **or**
 - are Inward Processing (IP) goods on which a refund will be sought when they are exported as compensating products (i.e. IP drawback goods).

8. Purpose of the Internal Community Transit Procedure (T2)

The Internal Community Transit Procedure (T2) applies to the movement of free circulation goods:

- (1) where they are being conveyed from one Member State to another **via** an EFTA Country and the movement through that country is by road. **Note:** *Community goods which are consigned from one point in the Community to another through the territory of one or more EFTA countries and which are carried entirely by sea or air are not required to move under the transit procedure. Movements destined for or coming from EFTA countries are subject to the Common Transit Procedure – see Section 4 for more details;* and
- (2) in trade with the non-fiscal areas of the Community i.e. the Channel Islands, Canary Islands, French Overseas Departments Mount Athos, Aland Islands – see Paragraph 18.

9. New Computerised Transit System (NCTS)

Since 1 July 2005, all transit declarations are required to be submitted electronically by the trade declarant via the New Computerised Transit System (NCTS). NCTS provides for the input and processing of the declaration by electronic means. It is designed to provide better management and control of Community and Common Transit by:

- (1) increasing efficiency & effectiveness of transit procedures
- (2) improving the prevention & detection of fraud
- (3) accelerating transactions & offer security for them

All the Member States of the Community and the EFTA countries use NCTS. Full details on NCTS are available at: http://www.revenue.ie/services/customs/cto_web.htm

10. Intra-Community carriage of goods by Sea Transport

Shipping of goods between Member States by sea is divided into two categories:

- (1) Authorised Regular Shipping Services; and
- (2) Other Community Shipping Services.

Each of these is explained in greater detail in the following paragraphs.

11. Regular Shipping Service

A Regular Shipping Service is defined as "a regular service which carries goods in vessels that ply only between ports situated in the Customs territory of the Community and may not come from, go to or call at any points outside this territory or in a Free Zone of control type 1 of a port in this territory". (In this context "control type 1" means controls principally based on the existence of a fence.)

Application for authorisation as a Regular Shipping Service and requests for further information in this regard can be made to Transit Unit (see details on page 1).

Note: A separate application for authorisation to use either level 1 or level 2 Sea Simplification is required by operators which allows the goods manifest be used as a transit declaration.

12. The benefits of being authorised as a Regular Shipping Service

The procedures for the intra-Community movement of goods by sea on an authorised Regular Shipping Service are similar to those for goods moving between Member States by road. This means that:

- (1) goods in free circulation will move freely without the need for customs documentation;
- (2) non-Community goods are required to move under the Transit procedure. The ship's manifest may be used as the transit declaration (see note above) and the shipping Company will be the Principal (see paragraph 30); and
- (3) a transit Guarantee will be required except where the ship's manifest is used as the Transit Declaration (see note above).

13. Other Community Shipping Services

In the case of Other Community shipping services (**services which are not Authorised Regular Shipping Services**) the Community Status of all goods carried on board must always be demonstrated..

SECTION 4 - COMMON TRANSIT

14. Common Transit Area

The customs territory of the Community when combined with the territory of the EFTA Countries forms the Common Transit Area. Common transit applies to the movement of goods over Community territory and also to, from and between the Common Transit Area. The provisions relating to Common Transit are broadly in line with those applicable to Community Transit and its scope will be determined by the nature of the goods, the mode of transport and the routings involved.

15. Exports to EFTA Countries

Goods being exported directly by air or by sea to an EFTA country do not require to be placed under the T1 or T2 Procedure, as appropriate.

However, goods being exported to an EFTA country by Combined Transport will need to be dealt with as follows:

(1) Goods to which the External Community Transit Procedure (T1) applies

In the case of transport by sea or air direct to a port or airport in an EFTA country where the goods are to be unloaded there, and then carried by land to their final destination, they should be placed under the T1 procedure before departure from Ireland. In all such cases the Office of Destination shown on the Transit Declaration will be located in the EFTA country concerned.

(2) Community Goods

If Community Goods are transported by sea or air direct to a port or airport in an EFTA country to be unloaded there, and for carriage by land to their final destination under a transit procedure, they should be placed under the T2 procedure before departure from Ireland. Similarly, Community Goods being exported to an EFTA country by land should be placed under the T2 Procedure prior to their departure from Ireland in order to avoid delays at the frontier. Also, Community goods consigned from one Member State to another **by road** through the territory of an EFTA country must be placed under the T2 procedure.

16. Imports from EFTA countries

Where transit operations are initiated in an EFTA country, the T1 procedure will normally be used. However, only movements by road will be under a Transit Declaration since direct movements by air or sea do not normally require this. Goods coming from a Third Country (other than EFTA) and transhipped in a port in an EFTA country for onward movement to the Community do not require to be put under the T1 procedure in the EFTA port.

17. Evidence required as proof of Community Status

Where proof of Community Status is required for goods being exported to an EFTA Country, any one of the documents T2L (copy 4 of the SAD with symbol "T2L" inserted), Invoice or transport document, certified by Customs as appropriate, is acceptable. Where an invoice or transport document is used instead of Copy 4 of the SAD it must always be authenticated by Customs at the Office of Departure (regardless of the value of the goods covered by that invoice or transport document). This process is completed electronically in the case of goods travelling in the NCTS.

SECTION 5 – TRANSIT ARRANGEMENTS WITH CHANNEL ISLANDS, CANARY ISLANDS, FRENCH OVERSEAS DEPARTMENTS, MOUNT ATHOS, ALAND ISLANDS

18. What is special about these locations

These territories, though they form part of the **customs territory** of the Community, are not included in the **fiscal territory** of the Community:

- Channel Islands;
- Canary Islands;
- French Overseas Departments i.e.
 - Guadeloupe;
 - Martinique;
 - Guyana;
 - Reunion;
- Mount Athos (Greece)
- Aland Islands.

In order to ensure that VAT at importation and excise duty are collected (or to ensure eligibility for zero-rating) on trade between the rest of the Community and the above territories, Community Goods consigned from (or to) these territories must be placed under the Internal Community Transit Procedure (T2) (Article 340c of Regulation (EEC) No. 2454/93)

http://europa.eu.int/eur-lex/en/consleg/pdf/1993/en_1993R2454_do_001.pdf

19. Indicators to readily identify these territories

In order to clearly identify Community Goods consigned to or from the non-fiscal areas there are specific status indicator codes as follows:

<u>Code</u>	<u>Use</u>
T2F	Transit Declaration This code must be inserted in Box 1 of the SAD (Internal Community Transit) or on the air/sea simplified Transit Procedure (level 1) manifest when used as a transit document or when inputting details to NCTS.
TF	Transit Declaration This code must be entered as appropriate on the air/sea simplified procedures manifest (level 2) when used as a transit document or when inputting details to NCTS.
T2LF	Status Document This code must be entered when inputting details to NCTS and on commercial documents used as Status Documents.
F	This code must be entered as appropriate on the shipping company's manifest when it is only used to provide proof of Community Status.

SECTION 6 – TRANSIT ARRANGEMENTS WITH SAN MARINO

20. Specific transit arrangements between the Community and San Marino

A Customs Union exists between the Community and the Republic of San Marino for goods falling within Chapters 1 to 97 of the Common Customs Tariff, except for Chapters 72 and 73, i.e. goods falling within the scope of the Treaty establishing the European Coal and Steel Community (ECSC). This has the following effect with regard to Community Transit:-

- (1) Goods imported from San Marino to Ireland (with the exception of ECSC goods of Chapters 72 and 73 which will be liable to full Third Country rates of Duty) will be covered by a T2 Transit Declaration issued in San Marino. Goods of Chapters 72 and 73 will be covered by a T1 Transit Declaration.
- (2) Community Goods destined for San Marino must be placed under the T2 procedure showing San Marino as the Office of Destination.
- (3) Non-Community Goods consigned to San Marino must be placed under the T1 procedure showing as the Office of Destination one of the following Italian Customs Offices - Livorno, Ravenna, Rimini, Trieste, Forli, Genova, Roma II, Orio Al Serio, Bologna and Milano II.
A T2-SM or T2L-SM document shall be issued to cover their onward movement to San Marino by the Italian Customs Offices listed above.
- (4) Transit guarantee documents and certificates should bear the words "Republic of San Marino" in the appropriate places.

The Common Transit procedure is not applicable to trade with San Marino.

SECTION 7 – TRANSIT ARRANGEMENTS WITH ANDORRA

21. Specific transit arrangements between the Community and Andorra

A Customs Union exists between the European Union and Andorra for goods covered by Chapters 25 to 97 of the Common Customs Tariff. This has the following effect with regard to Community Transit/Status:-

- (1) **Free circulation goods** (Chapters 25 to 97 of the Common Customs Tariff) moving from/to Andorra should move under the **T2 procedure**. The Office of Departure or Destination as appropriate will be Andorra.
- (2) The Community Status of free circulation goods (other than those in Chapters 25 to 97 of the Common Customs Tariff) moving to Andorra can be proved by a T2L etc.

- (3) **Non-free circulation goods** (Chapters 25 to 97 of the Common Customs Tariff) moving from/to Andorra should move under the **T1 procedure**. The Office of Departure or Destination as appropriate will be Andorra.
- (4) Exports of processed agricultural products (covered by Chapters 25 to 97 of the Common Customs Tariff) for which a CAP export refund is being claimed, should be covered by the **T1 procedure** with the Office of Destination being Andorra. Where a Control Copy T5 is used in connection with the export to Andorra of processed agricultural products, it should be presented to Customs at the Office of Exit from the Community to provide evidence of exit from the Community.
- (5) Where processed agricultural products are being imported from Andorra to the Community they should be covered by the **T1 procedure**.

The Transit documents will be endorsed as follows “charge agricultural component only - EC - Andorra Agreement” for the products in paragraphs (4) and (5) above.

- (6) For Transit movements to/from Andorra it will be necessary to present a Transit Accompanying Document (TAD) at each Office of Transit. Office of Transit in this context means the Customs office of entry in the country of a Contracting Party to the Agreement other than that of departure, in effect, the Customs office on the land border between the Community and Andorra i.e. in France or Spain.

Goods that are outside the scope of the Customs Union Agreement between the Community and Andorra (i.e. those falling within Chapters 1-24 of the Common Customs Tariff) cannot be placed under the Community Transit Procedure when moving between Andorra and the Community.

- (7) Guarantee certificates to cover Community Transit operations to/from Andorra must be valid for Andorra i.e. the words “Principality of Andorra” must appear on the certificate. The Common Transit procedure is not applicable to trade with Andorra.

SECTION 8 – STATUS OF GOODS

22. Free movement of Community Goods

Article 313 of Regulation (EEC) No. 2454/93 http://europa.eu.int/eur-lex/en/consleg/pdf/1993/en_1993R2454_do_001.pdf provides that, with certain limited exceptions, all goods in the Customs Territory of the Community are deemed to be Community Goods unless there is evidence to the contrary.

23. Requirements to prove Community Status

The following are not deemed to be Community goods unless it is established that they have Community status:

- (1) goods brought into the Customs territory of the Community; and
- (2) goods placed under a suspensive procedure. (Such a procedure involves suspending collection of any duty payable before the goods enter free circulation. Usually, it involves placing the goods under another Customs Procedure e.g. Inward Processing or Processing under Customs Control)

However, goods brought into the Customs territory of the Community:

- (1) **by air** where the goods have been loaded or transhipped at a Community airport for consignment to another airport in the Customs territory of the Community and carried under cover of a single transport document drawn up in a Member State; or
- (2) **by sea** where the goods have been carried between ports in the Customs territory of the Community by an authorised Regular Shipping Service will be deemed to be Community goods unless there is evidence to the contrary.

24. Proof of Community Status

The Community status of goods can be proved, where required, by presenting the following documents:

- T2L (SAD);
- T2LF (SAD) (non fiscal areas);
- Invoice or Transport Document relating to the goods indicating the code T2L/T2LF, as appropriate;
- Invoice or Transport Documents relating to the goods: no need for Customs authentication if value of the Community goods does not exceed €10,000.00;

- Shipping Company's manifest relating to the goods indicating "C" for Community goods, "F" for goods to/from the non-fiscal areas, and "N" for other goods;
- ATA Carnet or TIR Carnet showing the code T2L/T2LF to be authenticated by Customs;
- Plates and registration papers for motor vehicles;
- Code number and ownership marks displayed on goods wagons belonging to railway companies;
- Declaration of Community Status for returned empty packaging/pallets will suffice save where Customs require otherwise;
- Declaration of Community Status for passengers accompanied baggage (goods not intended for commercial use) will suffice save where Customs require otherwise.
- The AAD (Excise Administrative Accompanying Document);
- T2M (fish);
- Annex 109 of the Implementing Provisions. (Certificate of Customs status of goods in a Free Zone or Customs warehouse);
- T5 (used where export from the Community is prohibited or subject to restriction, export duty or other charge).

25. Conditions attached to proving Community status of goods

Proof of the Community status of goods is conditional on the goods having been:

- (1) brought from another Member State without crossing the territory of a Third country;
or
- (2) brought from another Member State through the territory of a Third country and carried under cover of a single transport document issued in a Member State; or
- (3) transshipped in a Third country on to a means of transport other than that on to which they were initially loaded and a new transport document has been issued, provided that the new document is accompanied by a copy of the original document covering carriage from the Member State of departure to the Member State of destination.

There is provision for retroactive issue of documents proving Community Status. In this regard application should be made to the relevant Revenue District where the trader's affairs are dealt with.

26. Specific provisions regarding the Community Status of the products of sea fishing

Articles 325 to 337 of Commission Regulation (EEC) No. 2454/93 http://europa.eu.int/eur-lex/en/consleg/pdf/1993/en_1993R2454_do_001.pdf lay down the procedures for proving the Community Status of the products of sea fishing and goods obtained from such products.

The Community Status of the products of sea fishing and goods obtained from such products which are caught in the territorial waters of a country or territory forming part of the Customs territory of the Community either by a vessel of a Member State or by a non-Member State vessel can be proved by means of the logbook of the vessel or by another means which establishes the Community Status.

The Community Status of the products of sea fishing and goods obtained from such products which are brought directly to the Customs territory of the Community by the Community fishing vessel which caught the products or by another vessel on to which they were transshipped or by a means of transport from a Third Country where the products had been landed will be proved by a T2M Form. Booklets of T2M forms are issued by Customs Authorities to the Master of a Community fishing vessel on request and are valid for 2 years.

Instructions for completion of the documents and production of the booklet to the Customs Authorities are contained in the booklet. The documents are controlled documents and bear individual serial numbers. Catches to which these documents relate may be landed outside the Community but, to preserve their Community Status, they must remain under Customs control and undergo no handling or processing there, other than that necessary for their preservation, pending re-exportation to the Community.

The Master of the vessel will use the T2M forms as required. He is obliged to return the Booklet to the relevant Customs Authorities when all the forms have been used, if its period of validity has expired or if the vessel ceases to satisfy the necessary conditions. He must also produce the logbook and T2M booklet to the relevant Customs Authorities, if required.

SECTION 9 - OTHER PROCEDURES COVERING THE MOVEMENT OF GOODS

27. Limits applying to the Community and Common Transit procedures

The Community and Common Transit systems do not apply when goods are being transported under another internationally-agreed system, including:

- (1) the carriage of goods under cover of a TIR Carnet, this is a control document which secures the duties at risk;
- (2) the carriage of goods under cover of an ATA Carnet used as a transit document - this is a control document which secures the duties at risk;
- (3) the carriage of goods by post

or

where the carriage of goods within Ireland is covered by a national procedure such as a transshipment bond or removal request.

28. Movements via a Third Country

The territory of a Third Country (other than an EFTA Country) may be crossed during the course of a Community Transit operation provided that carriage through the Third Country is effected under a single transport document drawn up in a Member State.

29. Movement of prohibited/restricted goods

Use of any transit procedures does not relieve goods of any prohibitions or restrictions which are in force or from compliance with the conditions of any import or export licences which may be required.

SECTION 10 – RESPONSIBILITY FOR TRANSIT OPERATIONS

30. Responsibility for Transit operations

All types of Transit are designed to ensure that any charges due on goods are secured. This is achieved through a system of guarantees and the key personnel in this regard are the Principal and the Guarantor

31. Role of the Principal

Each Transit Operation must be carried out by a person, known as the Principal, who accepts responsibility for the Transit. The Principal will indicate by making a Transit Declaration that s/he wishes to carry out a transit operation. S/he is responsible for the production of the goods (with seals intact where appropriate) and the Transit Declaration at the Office of Destination within the prescribed time limit. In addition, the Principal is responsible for payment of duties and other charges which may become due in the event of an irregularity occurring.

The Principal may authorise a representative (authorised representative) to act on her/his behalf. Notwithstanding the Principal's obligations, the carrier or recipient of the goods who accepts them knowing that they are moving under the Transit System is also responsible for production of the goods (with seals intact where appropriate) at the Office of Destination within the prescribed time limit.

32. Role of the Guarantor

A Guarantor may be an individual or firm or other body which is eligible to contract as a legal third person (normally a Bank or an Insurance Company). Guarantors must be normally resident or established in the Community and approved by the competent authorities of the Member State in which the guarantee is provided (in the case of Ireland, the Department of Enterprise, Trade and Employment). The Guarantor is responsible for payment of duties and other charges to which the Principal has become liable as a result of any irregularity concerning the Transit Declaration.

33. Can the Principal and Guarantor be the same person

The Guarantor and the Principal must not be the same person and, in the case of affiliated companies, the guaranteeing company must be a separate entity to the Principal's company. If in any doubt about this issue, Guarantors should contact the Guarantee Office for further information (see contact details at paragraph 33 below).

34. Operation of the Guarantee System

At the time of making a Transit Declaration the Principal will normally be required to present a guarantee certificate or cash deposit to cover the amount of duty and other charges on the goods.

Guarantee certificates are issued by the Guarantee Office on receipt of a properly completed Form of Undertaking from a Guarantor and an Application for Authorisation and will be valid for use throughout the Community.

Further information on guarantees is available from the Guarantee Office at the Office of the Revenue Commissioners, Central Transit Office, St Conlons Road, Nenagh, Co. Tipperary. (Tel: 067 - 44352, Fax: 067-44126).

35. Types of Guarantee

There are two types of guarantee and each has its own characteristics and application.

(1) Comprehensive Guarantee

A Comprehensive Guarantee covers a number of transit operations carried out by a Principal subject to certain limits and within the conditions of the guarantee. The amount of the Comprehensive Guarantee may be set at 100%, 50%, 30% or 0% (Guarantee Waiver) of a reference amount subject to certain criteria.

Comprehensive Guarantee certificates issued by the Guarantee Office are valid for a period of two years and may be extended on application from the Principal for one further period of two years.

(2) Individual Guarantee

An Individual Guarantee covers the amount of duty and other charges on the goods in one single Transit operation. It can be in the form of either an Undertaking from a Guarantor or a cash deposit. The Principal at the Office of Departure will present it at the time of making a Transit Declaration.

36. Is it possible to get Exemption from the Community Transit Guarantee requirement

Yes. A guarantee is not currently required in Community Transit for movements solely by air or by the railway companies of the Member States.

As indicated in paragraph 12, a guarantee is required for intra-Community transit movements by sea on an Authorised Regular Shipping Service, except where the Ship's manifest is used as the Transit Declaration.

37. Guarantees for transits involving the EFTA Countries

Any guarantee required must be valid for the EFTA countries involved in the transit operation and Guarantors must nominate approved "correspondents" in those countries.

SECTION 11 - THE TRANSIT DECLARATION

38. Completing a normal-procedure Transit Declaration

A trader using normal transit procedure must input the relevant data on the Transit declaration into NCTS including the Principal's Guarantee Reference Number (GRN), the trader's access code and the liability amount of the transit. When the data is input to NCTS, the system generates a unique Movement Reference Number (MRN) which will identify the transit at NCTS offices throughout Europe. When all the information is correctly input to and accepted by NCTS, a Transit Accompanying Document (TAD) is then printed by the system at the office of departure for the trader. The trader must collect this TAD when presenting the goods for examination by Revenue. Once the Revenue officer has carried out all of the necessary checks of the goods and has given the trader the TAD, the transit can commence.

Within NCTS appropriate messages are automatically sent to the office of destination and to any office of transit en route informing them that this transit is en route to them.

39. Simplified transit procedures

In certain circumstances (and subject to certain conditions) traders can use Simplified Transit Procedures. For example, traders approved as Authorised Consignors or Authorised Consignees can have transit formalities completed at their own premises by communicating with Revenue through NCTS.

40. Authorised Consignor

An authorised consignor is a regular, large-scale consignor of goods who may be authorised by Revenue to issue and authenticate transit documents without having to present them to Customs at the time of export/dispatch.

The main requirements for approval as an Authorised Consignor are that:

- (1) the trader must be a regular exporter of goods;
- (2) a Comprehensive Transit Guarantee is provided;
- (3) suitable records must be kept; and
- (4) the trader must communicate electronically with Customs through NCTS

41. Authorised Consignee

An authorised consignee is a trader who may be authorised by Revenue to move goods which arrive under the Transit System to his own premises without first presenting them to Customs at the Office of Destination.

Authorisation will only be granted to traders who fulfil certain conditions. In particular, they must:

- (1) frequently receive consignments under the Transit System;
- (2) maintain suitable records;
- (3) provide Bond cover as required; and
- (4) communicate electronically with Revenue through NCTS.

42. Special provisions for Airlines, Regular Shipping Lines and Railway Companies

Airlines, Authorised Regular Shipping Lines and Railway Companies who are willing to act as Principal can be approved to use a Simplified Transit Procedure which involves the use of the Manifest/ transport documents as the Transit Declaration.

Further information on these simplified procedures and application forms, as appropriate, may be obtained from Transit Unit (address on page 1).

SECTION 12 - T.I.R.

43. What is T.I.R.

Ireland, in common with the other Member States of the European Communities, is party to the Customs Convention on the International Transport of Goods under cover of TIR Carnets (TIR Convention) 1975. http://www.unece.org/trans/bcf/tir/handbook/english/newtirhand/TIR-6Rev1EN_Convention.pdf The Convention entered into force in Ireland on 20 June, 1983 and

replaced the older 1959 TIR Convention. There are currently 66 contracting parties to the Convention.

The purpose of the TIR system set up under the Convention is to facilitate to the greatest possible extent the movement of goods in international trade while effectively protecting the revenue of each State through which such goods are carried.

44. Operation of the T.I.R system

The TIR system contains five basic requirements:

- (1) Goods must travel in secure vehicles or containers;
- (2) Duties and taxes at risk throughout the journey must be covered by an internationally valid guarantee;
- (3) The goods must be accompanied by a TIR Carnet opened in the country of departure which will serve as a control document in the countries of departure, transit and destination;
- (4) Customs control measures taken in the country of departure should be accepted by the countries of transit and destination; and
- (5) Only competent national authorities - in Ireland, Revenue – shall authorise:
 - national associations to issue TIR Carnets; and
 - natural and legal persons to use TIR Carnets.

The system provides for the movement of goods, under Customs seal, in approved road vehicles or containers, across one or more frontiers. It is a condition of the system that some portion of the journey between the beginning and end of the TIR operation must be made by road. Where a road vehicle is used, TIR plates must be displayed on it during the TIR operation. Where a container is used it must have a TIR approval plate permanently affixed.

The goods must be listed in a TIR Carnet consisting of a series of vouchers and counterfoils (volets and souches) which will be used at the different stages of a TIR operation. The potential duties and taxes on the goods are guaranteed by the guaranteeing associations of the countries involved in the TIR operation. Each national guaranteeing association is affiliated to an international organisation i.e. the International Road Transport Union (IRU) which is located in Geneva, Switzerland. A TIR Carnet may contain 4, 6, 14 or 20 Vouchers and Counterfoils (Volets and Souches).

Each country must approve Customs Offices for TIR purposes. A TIR operation may involve more than one customs office of departure and/or destination in one or in several countries provided that the total number of customs offices of departure and destination does not exceed four.

45. Impact of T.I.R. on the movement of goods within the Community

The carriage of goods which is to begin and end within the Community may not normally be effected under the TIR system i.e. the system should be used only if the movement of the goods involves a Third Country in addition to the Community.

Further information on the TIR System may be obtained from Transit Unit (address on page 1).

SECTION 13 – GOODS SUBJECT TO CONTROL

46. Goods subject to control as to Use and/or Destination

Certain goods are subject to control depending on their use and/or their destination. Where specific Community legislation so requires, certain goods must be accompanied by an additional document known as a “Control Copy T5” if they are to be moved from one Member State to another or are being exported to a Third Country through other Member States. The Control Copy T5 is used in circumstances in which either the use and/or destination of the goods is subject to control by, inter alia, Customs.

The most common use of the Control Copy T5 is to control the use and/or destination of CAP goods e.g. Export Refund Products. When such products are exported to a Third Country by land through the territory of another Member State, they must be accompanied by a Control Copy T5 to the point of exit from the Community. In such cases, Customs at the point of exit from the Community are responsible for certifying the use and/or destination of the goods.

However, where such goods are exported by sea direct to a Third Country or are transhipped en-route at one or more ports in the Community and are under a single contract of carriage for transport to a third country, export from the Community will continue to be certified by Customs at the point of departure from the State.

The Control Copy T5 may be supplemented either with one or more continuation sheets T5 bis or by one or more loading lists T5 in cases where all the forms relate to a single consignment of goods, loaded on a single means of transport, and which are destined for a single consignee and a single use and/or destination.

A specimen of the forms together with instructions regarding completion are contained in Articles 843 and 912a to 912g and Annexes 63-66 of Commission Regulation (EC) 2454/93. (O.J. No. L253 of 11 October, 1993) http://europa.eu.int/eur-lex/en/consleg/pdf/1993/en_1993R2454_do_001.pdf .